

ORIGINAL

THE CONNER CENTER
9105 OWENS DRIVE
POST OFFICE BOX 2126
MANASSAS PARK, VIRGINIA 22111
(703) 361-2278
FACS (703) 361-0594

Thomas J. McCabe
Robert G. Allen
Denise B. Moline

Douglas W. Harold, Jr.
Lloyd D. Young
Of Counsel

MC CABB & ALLEN

ORIGINAL
FILE

2000 L STREET, N.W.
SUITE 200
WASHINGTON, D.C. 20036
(202) 452-7872
Telex 373-0708
FACS (202) 833-3843

Direct Correspondence to
office.

Virginia

May 24, 1991

RECEIVED

MAY 24 1991

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MM Docket 91-10
Baldwin, Florida
M&A #15111

Dear Ms. Searcy:

On behalf of Charley Cecil and Dianna Mae White, d/b/a White Broadcasting Partnership, there is transmitted herewith an original plus six (6) copies of a Motion to Enlarge Issues Against JEM Productions Limited Partnership in the above-referenced Docket proceeding for a new FM Station at Baldwin, Florida.

Should there be any question regarding the attached Motion, please contact the undersigned.

Very truly yours,


Denise B. Moline

DBM:wp
Attachment

ORIGINAL
FILE

RECEIVED

MAY 24 1991

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of

Charley Cecil & Dianna
Mae White, d/b/a
WHITE BROADCASTING PARTNERSHIP

et al.

For Construction Permit
for a new FM Station, Channel 289A
Baldwin, Florida

To: Honorable Edward Luton
Administrative Law Judge

MM DOCKET NO. 91-10

FILE NO. BPH-891214MM

**MOTION TO ENLARGE ISSUES AGAINST
JEM PRODUCTIONS LIMITED PARTNERSHIP**

Charley Cecil & Dianna Mae White, d/b/a WHITE BROADCASTING
PARTNERSHIP ("White") by Counsel, and pursuant to §1.229 of the Commission's Rules,
hereby respectfully submits the instant Motion to Enlarge Issues¹ against JEM Productions
Limited Partnership ("JEM") in the instant proceeding to include the following issues:

1. Whether JEM has violated Section 1.65 of the Commission's Rules in failing to timely report changes in the status of the formation of the limited partnership, and changes in the status of its limited partners from individuals to corporations, and the impact of such violation on JEM's basic qualifications to be a Commission licensee;
2. Whether JEM misrepresented the status of its own formation as a limited partnership in its application to the Commission, such as to render it a sham limited partnership, and the impact of such misrepresentation on JEM's basic qualifications to be a Commission licensee;
3. Whether JEM misrepresented the ownership interests of Mr. Peter Knobel

¹The instant Motion is timely filed pursuant to §1.229 of the Commission's Rules, within 15 days of submission of the Petition for Leave to Amend and Amendment by JEM, which serves as the documentary basis for this Motion.

and/or Beylen Communications in its application to the Commission, and the impact of such misrepresentation on JEM's basic qualifications to be a Commission licensee

In support whereof, the following is shown:

I. VIOLATION OF §1.65 OF THE COMMISSION'S RULES

1. Section 1.65 of the Commission's Rules provides:

(a) Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. . . . whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. . .

White submits that JEM failed to timely report its discovery of its failure to file a Certificate of Limited Partnership with the State of Delaware, and furthermore failed to report to the Commission the changed status of its Limited Partners, from individuals to corporate entities.

1. Failure to File Certificate of Limited Partnership

2. On May 9, 1991, JEM filed a Petition for Leave to Amend and Amendment which, inter alia, purported to update the Commission on the "true date" that JEM's Certificate of Limited Partnership was filed with the State of Delaware, and to furnish the Commission with updated information pertaining to changes in the broadcast ownership interests of Mr. Peter Knobel, JEM's limited partner.²

3. JEM's original application affirmatively provided, in Section II, in response to Item #1, that JEM was a Limited Partnership. It further provided, in response to Item #3, that the date and place of JEM's enabling Charter was December 14, 1989, in Dover,

²See JEM's Petition for Leave to Amend and Amendment, filed May 9, 1991, pp. 1-2.

Delaware.³

4. JEM's application also provided, in response to Section II, Item #7, in Exhibit E-1, information regarding the other media interests of Robin Rothschild, one of JEM's limited partners, in other pending applications, but provided no information whatsoever regarding the media interests of Peter Knobel, JEM's second limited partner. (See Exhibit 1.)

5. In its May 9, 1991 amendment, JEM informed the Commission that, in fact, JEM's Certificate of Limited Partnership had not been filed with the State of Delaware until April 9, 1991, nearly sixteen (16) months after the date originally stated by JEM. The only "good cause" cited by JEM was that JEM's General Partner "did not discover this error until recently."⁴ No mention of exactly when JEM's General Partner discovered the error was made, and White respectfully submits that the ambiguous "recently" does not meet the Commission's standard for reporting of corrective information. Nor was there any explanation in JEM's Petition regarding the basis for JEM's certification in its original application regarding the date of filing of its Certificate of Limited Partnership. Assuming that JEM discovered the error and then arranged for the filing of its Certificate of Limited Partnership with Delaware by April 9, 1991, the discovery of the error had to have occurred prior to that date.

6. JEM has produced, in connection with its document production on May 17, 1991, yet an "Agreement of Limited Partnership", dated February 26, 1991, by and among Joyce Morgan, Atlantic-Pacific Broadcasting, Inc. (President - Robin Rothschild) and Beylen

³Pertinent excerpts from JEM's application are provided as Exhibit 1.

⁴JEM Petition for Leave to Amend, p. 2.

Communications, Inc. (President - Peter Knobel).⁵ The existence of this document supports White's theory that JEM discovered its failure to file its Certificate much earlier, and as a result, executed a new Partnership Agreement in preparation for the April 9, 1991 filing with the State of Delaware.

7. In this case, it is the date of discovery or notice of JEM's failure to file its Certificate which governs the timing of JEM's amendment to the Commission under §1.65, not the date of correction of the error. It is possible that JEM discovered the problem as early as February, 1991. It is plain that the amendment is neither timely, nor adequate, and does not meet the standard set forth in §1.65 of the Commission's Rules. Since the matter of when JEM discovered its error goes to a factor of probably decisional significance in this proceeding, and goes to the essential nature of JEM's structure and its bona fides as a limited partnership, a basic qualifications issue against JEM is warranted, to inquire into the reason for the original representation, the failure to discover the error, and whether JEM, in fact, has complied with Commission Rules in timely reporting of changed circumstances.

2. Failure to Report Change of Limited Partners' Status

8. JEM's May 9, 1991 amendment also purported to report a change in ownership interest in JEM through the assignment of the ownership interests of Ms. Rothschild to Ms. Morgan and to Mr. Knobel/Beylen Communications, Inc. In fact, the assignment documents indicate that Ms. Rothschild had apparently previously assigned her interests in JEM to Atlantic-Pacific Broadcasting, Inc., a Delaware Corporation. Those documents also indicate that Mr. Knobel had apparently previously assigned his individual interest in JEM to Beylen Communications, Inc., a Delaware Corporation. However, JEM had never previously reported those assignments, nor did JEM provide any information

⁵Exhibit 2.

regarding those entities, their principals, officers or directors. Since passive investors were required to be included in JEM's application, pursuant to the instructions provided with that edition of FCC Form 301,⁶ any change in the status of those investors was required to be reported to the Commission pursuant to §1.65. The Commission and the parties have not been provided with any information whatsoever regarding the ownership of Atlantic-Pacific Broadcasting, Inc., and were provided with inadequate information regarding Beylen Communications only by way of JEM's May 9 amendment.

9. JEM's amendment does not serve its intended purpose of keeping the Commission and other applicants aware of changes in the information contained in JEM's application. Rather, the amendment raises serious questions concerning JEM's compliance with Commission reporting rules, and has engendered confusion regarding JEM's formation, its current status, and its overall makeup and control. The failures noted above concern essential matters concerning JEM's formation and ownership, and are not mere ministerial errors or oversights. A 1.65 reporting issue to inquire into these delinquencies, and their effect on JEM's basic qualifications to be a Commission licensee is warranted.

II. MISREPRESENTATION OF PARTNERSHIP STATUS

10. JEM stated in its original application that JEM was a limited partnership,⁷ and that its "enabling charter", i.e., its certificate of limited partnership, was filed in Delaware on December 14, 1989. Ms. Morgan certified by her signature to the application that that representation, inter alia, was true and correct. However, JEM's May 9, 1991 amendment corrected the date of filing of JEM's Certificate of Limited Partnership to April

⁶See Exhibit 3.

⁷See Exhibit 1, Section II, Item # 1.

9, 1991. This time, a copy of the Limited Partnership's Certificate was filed with the FCC as proof of the date of filing. JEM provided no explanation, in its May 9, 1991 amendment as to the reason for the "error", or how the "error" in the original application was discovered; JEM only vaguely referred to when the "error" was discovered. Apparently, there was no attempt to register JEM as a limited partnership with the State of Delaware at an earlier date. The discrepancy is wholly unexplained, and it must be presumed that JEM simply misrepresented its status to the Commission in an attempt to mislead the Commission and the competing applicants as to the real status of the partnership.

11. Other documentary evidence supports the conclusion that JEM misrepresented its status to the Commission. As noted above, JEM executed a second Agreement of Limited Partnership on February 16, 1991, this time between Joyce Morgan and the two corporate alter egos for Robin Rothschild and Peter Knobel. Indeed, JEM purports to have "amended" its Agreement of Limited Partnership on May 2, 1991; however, that document, like both of its predecessors, is not styled as an amendment, and involves different parties than those involved in the original Agreement dated November 4, 1989, and the second Agreement dated February 26, 1991.⁸

12. The motivation for JEM's misrepresentation is plain: as a limited partnership, JEM claimed 100% quantitative integration credit for the integration proposal of its general partner, Joyce Morgan.⁹ As a general partnership, JEM could claim only 20% quantitative integration credit for Ms. Morgan's partnership equity interest for her proposed involvement. Indeed, JEM continues to claim full 100% integration credit for Ms.

⁸The parties to the May 2, 1991 Agreement are Joyce Morgan and Beylen Communications, Inc.

⁹See Exhibit 1, JEM Exhibit E-4.

Morgan's proposed involvement in management at the proposed station,¹⁰ despite the fact that JEM's formal existence as a Limited Partnership began only on April 9, 1991, long after the "B" cut-off date in this proceeding.¹¹

13. It is uniformly held that Limited Partnerships are creatures of statute, and in the absence of formal registration as a Limited Partnership pursuant to state statute, no entity exists. In the absence of formal, legal existence pursuant to state registration, Limited Partnerships are regarded, for all legal purposes, as general partnerships, and limited partners are not fully protected from personal liability as limited partners until the partnership is formally registered with the state. 14. Thus, JEM would have been comparatively disadvantaged, under the Commission rules and policies in effect at the time it filed its application, unless it claimed Limited Partnership status as of the date of filing its application. At the time JEM filed its application the Commission had clearly stated, in its Report and Order, Revision of FCC Form 301, 4 FCC Rcd 3853 (1989), its intention that applicants should be fully and legally formed as entities before filing of their applications:

First, parties that choose to file in other than an individual capacity *must formalize their legal status before stating it on the application*. Because of the paperwork and administrative formalities involved in setting up and maintaining a legal corporation or partnership, persons may be deterred from legally formalizing sham entities which they have created as fronts for applications. This should particular deter parties from filing multiple applications through multiple sham entities. Requiring this information will also force applicants to commit to a legal structure, which can thereafter serve as a benchmark for other applicants to investigate and test the validity of representations made in the application. The availability of these legal documents, on file with the relevant state or in the public inspection file of the applicant, will enable the parties, early in the proceeding to make a

¹⁰See JEM's Integration Statement, filed May 9, 1991.

¹¹The Baldwin, Florida applications were accepted for tender on March 20, 1990; the date for amendments as of right was April 20, 1990.

threshold determination as to the bona fides of the applicant's ownership information. (Italics added.)

Id., at 3857. The Commission's language requires a presumption that, in the absence of registration with Delaware as a Limited Partnership prior to the date of the filing of JEM's application, JEM must be regarded as a sham limited partnership, and that its affirmative representations to the contrary must be regarded as deliberate misrepresentations of its essential nature as a limited partnership. Where such affirmative misrepresentations occur, an issue is warranted to inquire into the effect of such misrepresentations on the applicant's basic qualifications to be a Commission licensee. See C. Ray Helton, 66 RR 2d 1736 (M. Med. Bur. 1989) (misleading information in application led to designation of misrepresentation issue by Bureau). Of course, it is axiomatic that providing misleading information, or failing to inform the Commission of facts of decisional importance, fully warrants addition of misrepresentation or lack of candor issues. See RKO General, Inc. v. FCC, 670 F.2d 215 (D.C. Cir. 1981).

III. MISREPRESENTATION REGARDING PETER KNOBEL'S OWNERSHIP INTERESTS

15. JEM's May 9 amendment also purported to report an increase in ownership interests for Mr. Peter Knobel. In fact, the information provided therein shows that Mr. Knobel owns the interests shown in his corporate capacity as President and shareholder of Beylen Communications, Inc. As noted above, no mention of Beylen Communications had previously been made in any of the materials submitted by JEM to the Commission. The interests reported for Beylen/Peter Knobel could easily have been reported prior to the "B" cut off date in this proceeding, (April 20, 1990) since all the pending applications were filed before the end of January, 1990.

16. Even more significant, however, is the fact that Beylen and/or Mr. Knobel

apparently held a equity interest as a limited partner in Galaxy Broadcasting Limited Partnership, applicant for Fernandina Beach, Florida which was filed before the Baldwin application was filed. There is simply no excuse for the failure to report this interest of Mr. Knobel's or of Beylen's in JEM's initial application, or for failing to provide the information for some 16 months after the application was filed. This is especially true in view of the fact that a similar equity interest in the Fernandina Beach application was reported for Ms. Robin Rothschild in JEM's application.

17. Here again, JEM's failure to inform the Commission of facts of potential decisional significance warrants addition of a misrepresentation issue. RKO General, Inc. v. FCC, supra. As a general partnership, JEM's partners' media interests can be held against the partnership, and such information is significant for comparative purposes. At a minimum, JEM's negligence in reporting Mr. Knobel's media ownership interests for fully 16 months warrants addition of a 1.65 issue, for failure to report interests held since nearly the outset of this proceeding. Las Americas Communications, Inc., 60 RR 2d 1366 (Rev. Bd. 1986).

WHEREFORE, the foregoing considered, White respectfully requests that the Presiding Judge GRANT the instant Motion to Enlarge Issues against JEM, and ENLARGE the issues designated in this proceeding to include the issues set forth above.

Respectfully submitted,

Charley Cecil & Dianna Mae White

d/b/a

WHITE BROADCASTING PARTNERSHIP

By:

A handwritten signature in cursive script, appearing to read "Denise B. Moline".

Denise B. Moline

Its Attorney

McCabe & Allen
9105B Owens Drive
P.O. Box 2126
Manassas Park, VA 22111

(703) 361-2278

May 24, 1991

MM Docket No. 90-10
WHITE BROADCASTING PARTNERSHIP

BALDWIN, FLORIDA
MOTION TO ENLARGE ISSUES

EXHIBIT 1

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If fee exempt (see 47 C.F.R. Section 1.112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	FEE TYPE:	
	FEE AMT:	
	ID SEQ:	FOR COMMISSION USE ONLY FILE NO.

Section I - GENERAL INFORMATION

1. Name of Applicant JEM Productions, Limited Partnership C/O Joyce E. Morgan			Send notices and communications to the following person at the address below: Name Salvador A. Serrano		
Street Address or P.O. Box 2372 Pacific Silver Dr.			Street Address or P.O. Box 7205 Enterprise Avenue		
City Jacksonville	State FL	ZIP Code 32216	City McLean	State VA	ZIP Code 22101
Telephone No. (Include Area Code) 904-642-6329			Telephone No. (Include Area Code) 703-734-0477		

2. This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 289A	(b) Principal Community Baldwin	City Baldwin	State FL.
--------------------------------------	------------------------------------	-----------------	--------------

(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

JEM PRODUCTIONS, LIMITED PARTNERSHIP

1. Applicant is (check one box below)

☐ Individual☐ General partnership☐ For-profit corporation☐ Other☒ Limited partnership☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.

NA

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g. a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date December 14, 1989 Place Dover, Delaware

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☐ Yes ☒ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.
NA

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

☒ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☒ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☐ No

Section 11 - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interests.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

1	JEM Productions, Limited Partnership Joyce E. Morgan 2372 Pacific Silver Dr. Jacksonville, FL. 32216	Peter B. Knobel 645 Fifth Avenue New York, N.Y. 10022	Robin M. Rothschild Steep Hill Road Box 183 Wilmington, VT. 05363
2	U.S.	U.S.	U.S.
3	GENERAL PARTNER	LIMITED PARTNER	LIMITED PARTNER
4	20% Equity Ownership 100% Attributable Interest	40% Non- Party Equity Owner	40% Non- Party Equity Owner
5	100%	NONE	NONE
6	100%	NONE	NONE
7	NONE	NONE	WVAY-FM, Wilmington, VT. 89% Ownership (Attributable)
8	NONE	NONE	See Exhibit E-1 for Non- Attributable Broadcast Ownership Interests

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☒ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.
E-1

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
NA

9. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.
E-2

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
NA

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

11. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See instruction C to Section 11.)

☐ Yes ☒ No

- (b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.
NA

12. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

- (b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.
NA

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

☒ Yes ☐ No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.

\$ 250,000.00

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Peter B. KNobel 645 Fifth Avenue New York, NY 10022	212-308-7122	LIMITED PARTNER	\$250,000.00

Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.
E-3

Section IV-B - INTEGRATION STATEMENT

Attach as an Exhibit the information required in 1 and 2 below.

Exhibit No.
E-4

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.
2. State with respect to each principal identified in response to Item 1 above, whether the applicant will claim qualitative credit for any of the following enhancement factors:

(a) Minority Status---YES

(b) Past Local Residence ----

If Yes, specify whether in the community of license or service area and the corresponding dates.

(c) Female Status-----YES

(d) Broadcast Experience-----YES

If Yes, list each employer and position and corresponding dates.

(e) Daytime Preference----NO

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

☐ Yes ☒ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 398-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

Exhibit No.

If No, attach as an Exhibit, a full explanation.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted Gregory Perich

Telephone No. (include area code) 904-259-2292

Person contacted: (check one box below)

☐ Owner ☒ Owner's Agent ☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 308 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant JEM Productions, Limited Partnership	Signature <i>Joyce E. Morgan</i>
Date <i>November 4, 1989</i>	Title GENERAL PARTNER

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(x3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

INDEX OF EXHIBITS

- E-1-----OWNERSHIP INFORMATION
- E-2-----DIVESTITURE STATEMENT
- E-3-----PROGRAM SERVICE STATEMENT
- E-4-----INTEGRATION/QUALITATIVE ENHANCEMENT FACTORS
AND BROADCAST EXPERIENCE OF GENERAL PARTNER
- E-5-----ANTENNA/SUPPORT STRUCTURE DIAGRAM
- E-6-----INTERFERENCE STATEMENT; DIPLEXED ANTENNA
- E-7-----7.5 MINUTE MAP
- E-8-----CONTOUR MAP
- E-9-----AUXILIARY POWER PROPOSED
- E-10-----BROADCAST CONSULTANT AGREEMENT

EXHIBIT E-1

OWNERSHIP INFORMATION

BROADCAST INTEREST OF ROBIN ROTHSCILD

Ms. Robin Rothschild is a 89% Party/Equity Owner of WWAY-FM, Wilmington, VT. Also she is the limited partner in the following pending applications for new FM Broadcast Stations.

<u>Applicant</u>	<u>File No.</u>	<u>City</u>	<u>State</u>	<u>Nature of Partnership Interest</u>
Shaka Broadcasting, Limited Partnership	BPH890504MG	Kahalulu	HI.	40% non-party Equity Owner
Sam Widge Advtg., Limited Partnership	BPH890713MI	Wallace	ID.	40% non-party Equity Owner
Montauk Communications, Limited Partnership	BPH890913MP	Montauk	NY	40% non-party Equity Owner
Galaxy Broadcasting, Limited Partnership	BPH891130__	Fernandina Beach	FL.	40% non-party Equity Owner

EXHIBIT E-2

DIVESTITURE STATEMENT

The General Partner in this application for a new FM Broadcast station is presently employed at WJKS-TV, Jacksonville, Florida, as a News Reporter/Anchor. In the event the applicant is granted a construction permit, Ms. Joyce Morgan will terminate her employment at station WJKS-TV in order that she may devote full time to the construction, management and operation of the FM Radio station.

EXHIBIT E-3

PROGRAM SERVICE STATEMENT

The applicant's planned program service relating to the issues of public concern will be as follows:

- ° DRUG ABUSE PREVENTION PROGRAMS "SAY NO TO DRUGS"
- ° BLACK HERITAGE AND BLACK CULTURAL EDUCATIONAL PROGRAMS
- ° HEALTH PROGRAMS RELATING TO AIDS, SICKLE CELL ANEMIA, ETC.
- ° CRIME PREVENTION PROGRAMS
- ° VOTER REGISTRATION DRIVES
- ° GOVERNMENTAL AWARENESS PROGRAMS
- ° PUBLIC SERVICE ANNOUNCEMENTS, AMONG OTHER THINGS.

Opposing viewpoints on controversial issues will be given equal time on the air regardless of race, color, creed, age, sex or national origin.

The General Partner, Ms. Joyce E. Morgan, will have exclusive control over deciding the proposed station's planned program service.